

**ADDENDUM TO THE LEGACY TERRACE DEVELOPMENT PLANNED
DEVELOPMENT REZONING AND PREZONING FINAL
ENVIRONMENTAL IMPACT REPORT (SCH# 1999082004)**

Pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines, the City of San José has prepared an Addendum to the Legacy Terrace Development Planned Development Rezoning and Prezoning Final Environmental Impact Report (Legacy Terrace FEIR), which was certified by the City of San José on February 15, 2000 (Resolution No 69392) because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

Name of Project: Residence Inn and Fairfield Inn & Suites America Center Court

Project File No.: PDC15-016

Project Description: File No. PDC15-016: Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow construction of a four-story, 261 room hotel (Residence Inn by Marriot & Fairfield Inn and Suites by Marriott) on a 6.73 gross acre site. **Location:** East of the northerly terminus of America Center Court (Silicon Valley Club LLC, Owner). **Council District:** 4.

The environmental impacts of this project were addressed by the Legacy Terrace FEIR, which was certified by the City of San José on February 15, 2000 (Resolution No 69392, File No. PDC99-05-044). The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred." Circumstances which would warrant a subsequent EIR include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

The following impacts were reviewed and found to be adequately considered by the Legacy Terrace EIR:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Urban Services | <input checked="" type="checkbox"/> Biotic Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate |
| <input checked="" type="checkbox"/> Energy | <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Water Quality | <input checked="" type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Facilities and Services |

ANALYSIS

On February 15, 2000, the City of San José certified the Final Environmental Impact Report for the Legacy Terrace project, allowing 900,000 square feet of commercial office, a 175- room hotel, a 25-acre open space preserve, and 25,000 square feet of riverfront-oriented commercial

uses - approximately 1,015,000 square feet of development in total. In 2006, a Planned Development re-zoning was approved to allow construction of an 88,233 square feet office building, for an additional 63,233 square feet of River Commercial use. An addendum to the Legacy Terrace FEIR was prepared for this project.

The current proposal of a four-story, 261 room hotel (163,640 square feet in area) will increase the total allowed building area on the 70 acre site evaluated in the Legacy Terrace FEIR by approximately 138,640 square feet as compared to the original approval of 1.015 million square feet in 2000. The current proposal includes an increase in the allowed building height for the proposed building from 45 to 53 feet for main building mass and an allowable 10 feet for building projections.

In addition, changes have occurred with respect to the circumstances under which the project will be undertaken, due to approval of construction of a segment of the Bay Trail adjacent to the project site and the Guadalupe River. The purpose of this Addendum is to analyze the potential for new or greater impacts to result from the project due to changes in the project and regulatory environment and to ensure conformance of the currently proposed project with the previously certified EIR.

The attached Initial Study evaluates the project-specific environmental impacts that were not addressed in the previously certified EIR. The Initial Study concluded that the proposed project would not result in any new impacts not previously disclosed in the Legacy Terrace FEIR. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an addendum is sufficient.

This addendum will not be circulated for public review, but will be attached to the Legacy Terrace FEIR pursuant to CEQA Guidelines §15164(c). The attached Initial Study (Attachment 1) provides background on the project description, specific project impacts, and the relationship between previous mitigation measures and the revised project.

Sanhita Ghosal
Environmental Project Manager

2/1/2016
Date

Harry Freitas, Director
Planning, Building and Code Enforcement

Meenaxi R.P.
Deputy

Attachment:

- 1) Draft Initial Study, dated January 2016, including three technical reports